

Michael Fuller, OSB No. 09357

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

CHRISTOPHER FRISON

Plaintiff

vs

UNITED STATES

Defendant

Case No. 3:21-cv-1618-YY

**COMPLAINT
SECOND AMENDED**

Assault

Jury Trial Requested

1.

FACTUAL ALLEGATIONS

On July 27, 2020, Mr. Jones aggressively pointed a semiautomatic handgun at Mr. Frison's chest, causing Mr. Frison to fear for his life and causing him fright and horror and nightmares

2.

Mr. Jones occupied room 428 at the Residence Inn by Marriott at 1250 N Anchor Way in Portland, Oregon on July 27, 2020 where Mr. Frison worked as a maintenance person.

3.

At approximately 4:00pm, Mr. Frison responded to a maintenance request to unclog the toilet in Mr. Jones's room. Mr. Frison knocked on Mr. Jones's door and identified himself as a maintenance person. Mr. Jones violently swung open the door, and with an aggressive look on his face, pointed a semiautomatic handgun at Mr. Frison's chest. Mr. Frison put his hands in the air and prepared to be killed. Mr. Jones ultimately lowered his handgun and then invited Mr. Frison into his room. Mr. Frison declined the invitation, handed Mr. Jones the toilet plunger, and quickly left room 428.

4.

Mr. Jones was not working within the scope of employment with the United States at the time of the assault described in this complaint because Mr. Jones was not on premises of the United States, nor at, nor en route to, a location he was assigned to perform his duties at the time of the assault, but rather was in a private hotel room; Mr. Jones was not on the clock as an employee at the time of the assault but rather the assault took place on Mr. Jones's personal time during which he testified he would sometimes consume alcohol (Mr. Jones was not permitted to consume alcohol at any time while using a firearm working within the scope of employment with the United States); Mr. Jones was not performing a legitimate government function or task he was hired to perform, or in a manner he was trained to perform, and was instead acting in a manner not permitted by the United States; Mr. Jones was not wearing a government uniform at the time of the assault but rather was wearing civilian clothing; and Mr. Jones's assaultive conduct was not intended to serve or further the interests of the United States. Prior to filing suit Mr. Frison filed an administrative claim on or around October 26, 2020 and otherwise exhausted his administrative remedies under the FTCA and the United States responded in writing on or around May 4, 2021 denying the claim and did not state that Mr. Jones was working within the scope of employment with the United States.

5.

CLAIM FOR RELIEF

Assault

As alleged in this complaint, Mr. Jones intentionally attempted to engage in harmful or offensive contact with Mr. Frison, and had the present ability to carry the intention into effect, causing Mr. Frison extreme emotional distress. As a result, Mr. Jones requests judgment for fair compensation in an amount determined by the jury to be reasonable.

6.

REQUEST FOR A JURY TRIAL

Mr. Frison respectfully requests a trial by a jury.

7.

PRAYER FOR RELIEF

Mr. Frison respectfully requests relief as sought above and any other relief the Court deems appropriate.

December 21, 2022

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

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CERTIFICATE OF SERVICE

I certify that this document was served on all parties via the CM/ECF system on the date below.

December 21, 2022

s/ Michael Fuller
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